I. Telephone Interference

Telephone interference has not been covered by the rule, nor should it be covered now. Telephone interference is a result of the inability of some telephones to operate in high RF fields. It is caused by audio rectification. It is fully capable of being resolved in the manufacturing process. Interference - free phones are available. That some manufacturers choose not to incorporate interference immunity in their devices is a marketing decision on their part. Making broadcasters pay the monies manufacturers refused to expend effectively holds broadcasters hostage to the lowest level of quality in the telephone marketplace. It is inequitable and constitutes an unlawful taking of property. Broadcasters have a license to operate radio stations to serve the public need for mass communications They did not sign on to become "indemnitors of performance" for the equipment of any and all manufacturers who choose to skimp on the performance of their products.

The subject of telephone interference really gets to the heart of this proceeding. It is a matter of allocating responsibility. At least this is the conclusion recognized by the Commission in its proceeding concerning interference causation and resolution which was started in 1978 with a Notice

of Inquiry.[9] Thousands of pages of comments, reply comments and other materials were submitted in response to the notice of inquiry and Further Notice of Inquiry, supra, which thoroughly considered the subject. Even special brochures were distributed to the public soliciting their comments. Many options were suggested in the proceeding. These included: (1) should all electronic equipment be manufactured to be more resistant to interference (raising cost of equipment)? (2) should those experiencing interference be entitled to filters (more expensive and less effective than the first option)? (3) should equipment be labeled as to its immunity, allowing consumers to choose on the basis of this feature just as they do on color, styling and other bells and whistles touted by manufacturers? (4) should a mandatory solution be regulated by the FCC? (5) should a voluntary solution be administered by equipment manufacturers? (6) should there be any change in existing policies? (7) what information should manufacturers make available about interference immunity of the products? is existing information adequate?

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[9] Notice of Inquiry on Radio Frequency (RF) Interference to Electronic Equipment General Docket No. 78-369 (FCC 78-801) released July 16, 1981.

The Notice of Inquiry and the Further Notice of Inquiry were extensive in their exploration of these subjects as were the comments and reply comments. But as has been its custom in dealing with consumer electronics interference, the Commission did nothing. This and other Commission proceedings which were intended, at least on the surface, to come to some resolution of these issues were never finished. It could be that the Commission knew what the "right" answers were -- create interference immunity standards of some kind -- but did not have the necessary resolve to impose them on manufacturers. However, the Commission has had no similar difficulty in turning to its captive broadcast licensees and looking to them, as it does in this proceeding, to be increasingly responsible for the omissions of the others.

It is indeed strange that in this NPRM, there is not even a single mention of General Docket No. 78-369 which gathered the largest body of information about RF interference to consumer equipment ever collected by the Commission. Even as it began that docket, the Commission stated in fact sheets distributed to the public that "a high percentage of interference complaints involved deficiencies in the design and installation of the receiving equipment (when the transmitting equipment met all FCC

technical requirements)." Indeed, the general docket was opened as a result of Congress' dissatisfaction with the Commission's failure to effectively deal with radio frequency interference. When it was suggested then to Chairman Charles Ferris by Senator Barry Goldwater that the Commission ought to enact even minimal interference immunity standards for consumer electronic equipment, the Commission maintained that it did not have any such authority. Congress and the president quickly changed that by adopting Section 108 of Communications Amendments Act of 1982 which amended Section 302(a) of the Communications Act of 1934 basically giving the Commission the authority to establish by regulation minimum performance standards for home electronic equipment and systems to reduce their susceptibility to interference from radio frequency energy. Section 108 reflected congressional recognition that radio frequency interference phenomena are related not only to transmitter performance but also design characteristics of radio receivers. Congress granted the FCC clear legislative authority to establish such standards for receivers and other electronic equipment. Yet despite congressional prodding and the new law, the Notice of Inquiry went nowhere.

Now, in the context of a small Mass Media Bureau Rulemaking, the Commission deigns to ignore the previous extensive record and to try to provide for protection of new technology devices of questionable design by proposing to penalize broadcasters for industry's marketplace decision not to design interference immunity into such devices.

After-the-fact remedial measures are expensive and frequently unavailing in increasing the interference immunity of telephones. If the Commission is the least bit serious about consumer problems with these devices, it will either develop mandatory immunity standards for same or mandate labeling by manufacturers, not only for telephones but for other electronic devices, so as to alert consumers to potential problems with products. Voluntary industry standards, to the extent that they have been attempted or have been paid lip service, have failed to achieve any increase in interference immunity overall. Interference complaints are increasing, not decreasing. Industry seeks to increase profits, not interference immunity, and avert competition, not interference. These measures do not sell telephones or radios.

Moreover, if the Commission is contemplating having broadcasters protect phones, why not require the protection of

facsimile machines, answering machines, burglar alarms with automatic dialers, computer modems and all other kinds of telephone related equipment? The point is, whose responsibility is this, and where will it stop?

J. Conclusion

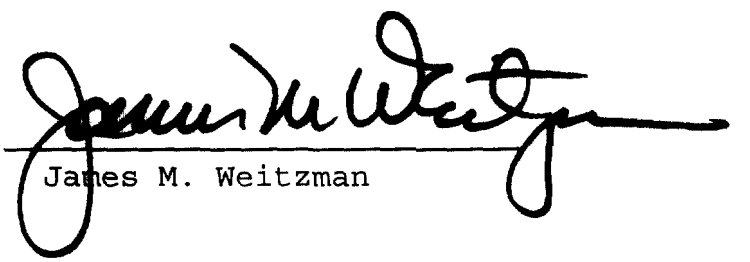
It is high time that the Commission abandon its stop-gap, ill-advised approach to interference which holds broadcasters and other transmitter operators responsible for poorly performing consumer electronic equipment. It is time for consumer electronics manufacturers who sell their equipment on the promise that it will give good performance to the purchaser to accept responsibility if that performance is not delivered. If the responsibility is not assumed voluntarily (and it hasn't been since even before the initiation of all of these various interference proceedings), it should not be put on the backs of broadcasters. Rather, it should be made a condition of doing business in the electronic marketplace.

Refreshingly, as evidenced in the Public Notice, CIB has begun singing a tune that knowledgeable engineers, broadcasters and even some consumers have known for a long time: interference received to the operation of electronic devices is virtually always caused by the design or construction of such

devices. It is hoped that the Mass Media Bureau will take cognizance of this reality and of the substance of past Commission proceedings on this subject before hastily acting in a way which, once again, attempts to "paint over rust."

Respectfully submitted,

NEW WORLD RADIO, INC.

By: 
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